BILL NO. S-92-10-36

SPECIAL ORDINANCE NO. S-199-92

AN ORDINANCE REPEALING THE APARTMENT OWNERS' GARBAGE COLLECTION FEE SUBSIDY.

WHEREAS, the City Council, in 1981, adopted Special Ordinance No. S-216-81 which provided a subsidy to certain apartment owners who selected the dumpster method of solid waste removal;

WHEREAS, the City Council desires to end said subsidy effective December 31, 1992.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Special Ordinance No. S-216-81, a copy of which is attached as Exhibit "A," is hereby repealed and the subsidy provided for therein terminated effective December 31, 1992.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay, City Attorney

BILL NO. S-81-10-02

SPECIAL ORDINANCE NO. S-216

AN ORDINANCE to provide an alternative dumpster method of solid waste collection for multi-family units in the City of Fort Wayne and to establish a credit to be paid by the City of Fort Wayne for those multi-family units utilizing said alternative method in lieu of utilizing the solid waste collection services rendered by the City of Fort Wayne for other residences.

WHEREAS, it is the intent of the Common Council of the City of Fort Wayne to furnish to multi-family residential living units within the legal boundaries of the City on an alternative dumpster method of solid waste collection service. The owner of such multi-family residential complexes (3 living units or more) may place garbage, rubbish, household rubbish and solid wastes in a dumpster or sanitainer, and may select a Board of Public Works approved hauler to remove such garbage, rubbish, household rubbish and solid wastes at least once a week; and

WHEREAS, it is the further intent of the City of Fort Wayne to allow and pay to such approved hauler, who contracts with an owner electing to utilize such dumpster service, a credit to apply to the costs of such dumpster service where same is elected by the owner of such multi-family units in lieu of the solid waste collection service otherwise provided by the City of Fort Wayne for residential units; and

WHEREAS, it is the further intent of the City of Fort Wayne to assure that said solid waste is transported only by approved haulers utilizing safe and sanitary equipment, maintaining adequate insurance coverages, and dumping only in approved sites.

SECTION 1. The owner of a multi-family unit consisting of three (3) or more living units in a single complex shall have the option to dispose of the solid waste materials generated by the residents of said units by contracting for the disposal thereof with an approved hauler in lieu of utilizing the solid waste disposal collection services otherwise provided by the City of Fortwayne, subject to the conditions and terms of this Ordinance.

SECTION 2. The hauler providing said service to such multi-family units must first be approved by the Board of Public Works as such hauler and in order to secure such approval must meet the requirements of said Board of Public Works and shall submit to said Board of Public Works at least the following information and documentation.

A. The proposed hauler shall submit to the Board of Public Works a detailed listing and description for all equipment it proposes to utilize. All such equipment must be in a safe condition for operation on the streets of the City of Fort Wayne, must be of a non-leakable type and must be so constructed that the solid waste materials being transported are covered at all times.

B. The proposed hauler shall further submit to the Board of Public Works copies of all its insurance policies covering the operation of such equipment and including all property and personal liability coverage. Said insurance shall be in such amounts and coverages as said Board of Public Works shall deem reasonably necessary to provide adequate insurance for the City of Fort Wayne and the public in general.

C. The proposed hauler shall also submit to the Board of Public Works a written contract for each multi-family solid waste disposal service it intends to render in the City of Fort Wayne and for which it intends to seek the credit hereinafter established and to be paid by the City of Fort Wayne. Said contracts must be signed by the hauler and the owner of the multi-family units, must designate the number of units to be serviced, must provide for a minimum of once a week service, must provide for a disposal only in sites and by methods approved by said Board of Public Works, and must provide that the residents of said units shall place their garbage, rubbish, and solid waste materials in a dumpster or sanitainer and not in individual garbage cans or containers.

SECTION 3. The City of Fort Wayne shall pay to such approved hauler a residential unit fee computed as hereinafter set forth as to those units to be serviced pursuant to such contract as said Board of Public Works shall have approved.

An approved hauler seeking payment from the City of Fort Wayne shall submit a claim therefore upon forms prescribed by the Board of Public Works on a quarterly basis for such services actually rendered in the preceeding quarter. Quarterly claims shall be submitted on March 31, June 30, August 31, and December 31 of each year.

The said fee shall be computed on the basis of occupied units as follows:

A. If the multi-family unit is at least 85% occupied then 100% of the units located in such complex shall be considered as receiving service.

B. If at least 75% of the residential units located in such complex are occupied then 85% of the units located in such complex shall be considered as receiving service.

C. If the multi-family unit is at least 65% occupied then 75% of the units located in such complex shall be considered a receiving service.

D. If at least 55% of the residential units located in such complex are occupied then 65% of the units located in such complex shall be considered as receiving service.

The amount of the per occupied residential unit fee shall be the sum of $14.11 per year for the first twelve (12) months of an approved contract and shall thereafter be adjusted up or down on an annual basis by 80% of the percentage change in the C.P.I. (Consumer Price Index, published by the U.S. Department of Labor, Bureau of Labor Statistics, for "all items" in the U.S. City Average" Category) for the prior twelve (12) month period from the date of execution of the approved contract or its annual anniversary date there after.

SECTION 4. In the event an approved service contract is cancelled or terminates at any time subsequent to such approval, then the owner of the multi-family unit covered and the approved hauler shall give immediate notification in writing to the Board of Public Works specifying the date of cancellation or termination.

SECTION 5. WAIVER OF OTHER SERVICE

Before the City shall recognize any such multi-family service contracts and pay any funds to a hauler, the owner of such multi-family units shall give written notice to the Board of Public Works that said owner waives all right for itself and the residents of said multi-family

units to have solid waste collection service other than pursuant to the proposed multi-family alternate dumpster service contract.

SECTION 6. In no event shall any fee be paid hereunder for services other than those actually performed and in accordance with the terms hereof.

SECTION 7. That this ordinance shall be in full force and effect upon passage by the Common Council and approved by the Mayor.

COUNCILMAN

APPROVED AS TO FORM AND LEGALITY,
OCTOBER , 1981.

Richard I. Snouffer, Associate City Attorney

Read the first time in full and on motion by Helmke, seconded by ~~by~~ _____, and duly adopted, read the second time by title and referred to the Committee on Committee of the Whole (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____ M., E.S.T.

DATED: 10-13-92

Sandra E. Kennedy /ae
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Helmke, seconded by ~~seconded by~~ _____, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	9	0		
BRADBURY	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG	✓			
LUNSEY	✓			
RAVINE	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 11-24-92.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ (SPECIAL) ~~(ZONING)~~ ORDINANCE ~~RESOLUTION~~ NO. S-199-92 on the 24th day of November, 1992

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Thomas C. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1992, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 27th day of November, 1992, at the hour of 5:00 o'clock P M E.S.T.

PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE SPECIAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE MAYOR'S OFFICE

SYNOPSIS OF ORDINANCE REPEALS APARTMENT OWNERS' GARBAGE COLLECITON FEE SUBSIDY EFFECTIVE DECEMBER 31, 1992.

S-92-10-36

EFFECT OF PASSAGE SUBSIDY WILL END DECEMBER 31, 1992.

EFFECT OF NON-PASSAGE SUBSIDY WILL CONTINUE.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)

ASSIGNED TO COMMITTEE (PRESIDENT)

BILL NO. S-92-10-36

REPORT OF THE COMMITTEE ON
THE COMMITTEE OF THE WHOLE

DONALD J. SCHMIDT, CHAIR
CLETUS R. EDMONDS, VICE CHAIR
ALL COUNCIL MEMBERS

Hold

WE, YOUR COMMITTEE ON THE COMMITTEE OF THE WHOLE TO WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) REPEALING THE APARTMENT OWNERS' GARBAGE COLLECTION FEE SUBSIDY

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

DO PASS	DO NOT PASS	ABSTAIN	NO REC
D Schmidt			
Archie Lensey			
J G Bradbury			
Sam Talarico			
Thomas P. Henry			
Rebecca Lavrine			
C R Edmonds			
Mark E. Giaquinta			

DATED: 11-24-92

Sandra E. Kennedy
City Clerk